

**EDUCATION DEPARTMENT[281]**

**Adopted and Filed**

**Rule making related to instructional course for drinking drivers**

The State Board of Education hereby amends Chapter 21, “Community Colleges,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code section 256.7(5).

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 321J.22.

*Purpose and Summary*

This rule making updates language to accommodate both in-person and online delivery of the instructional course for drinking drivers. During the past year, a significant portion of the courses were delivered online due to the pandemic. Additionally, online delivery of the course was permitted under certain circumstances (e.g., medical necessity). These amendments ensure consistency between the two formats.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on April 21, 2021, as **ARC 5583C**. A public hearing was held on May 11, 2021, at 8 a.m. in the ICN Room, Second Floor, Grimes State Office Building, Des Moines, Iowa. No one attended the public hearing. No public comments were received. No changes from the Notice have been made.

*Adoption of Rule Making*

This rule making was adopted by the State Board on June 11, 2021.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the State Board for a waiver of the discretionary provisions, if any, pursuant to 281—Chapter 4.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

*Effective Date*

This rule making will become effective on August 4, 2021.

The following rule-making actions are adopted:

ITEM 1. Amend subrule 21.31(3) as follows:

**21.31(3)** Individuals who reside outside the state of Iowa and who are required by the state of Iowa to take a course for drinking drivers shall have the opportunity to take the course in another state, provided:  
~~a. The~~ the out-of-state course is comparable to those courses approved to be offered in the state of Iowa.

~~b. The course is delivered in a classroom setting and not online.~~

ITEM 2. Amend subrule 21.31(5), introductory paragraph, as follows:

**21.31(5)** An instructional course, including allowable delivery formats, shall be approved by the department of education in consultation with the community colleges, substance abuse treatment programs licensed under Iowa Code chapter 125, the Iowa department of public health, and the Iowa department of corrections. The course shall ~~be delivered in a classroom setting with~~ consist of at least 12 hours of instructional time. In-person instruction shall be delivered over a minimum of a two-day period. ~~The course may be offered in blocks not to exceed 4 hours with a minimum of a 30-minute break between blocks. Each student in the class shall receive an individual workbook, and workbooks attending a course shall be provided with the appropriate course materials necessary to complete the course, which~~ shall not be reused. The course shall be taught by an instructor certified by the curriculum provider to teach the course. Each course of instruction shall establish the following:

ITEM 3. Amend subrule 21.32(1) as follows:

**21.32(1)** Each person enrolled in an instructional course for drinking drivers shall pay to the community college or a substance abuse treatment program licensed under Iowa Code chapter 125 a tuition fee of \$140 for the approved 12-hour course, plus a reasonable ~~book~~ course materials fee. The court may allow an offender to combine the required course with a program that incorporates jail time. Reasonable fees may be assessed for costs associated with lodging, meals, and security.

[Filed 6/11/21, effective 8/4/21]

[Published 6/30/21]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/30/21.